



# CITY OF LODI COUNCIL COMMUNICATION

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**AGENDA TITLE:** Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$144,161.99).

**MEETING DATE:** May 17, 2006 City Council Meeting

**PREPARED BY:** City Attorney's Office

**RECOMMENDED ACTION:** That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation in the total amount of \$141,583.88, and various other cases being held by Outside Counsel in the amount of \$2,578.11.

**BACKGROUND INFORMATION:** Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; and Kronick, Moskovitz, Tiedemann & Girard for services incurred relative to the Environmental Abatement Program litigation, and various other matters that are currently outstanding and need to be considered for payment.

## Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount
8002	94732	3/31/2006	People v M&P Investments	43,031.08 (1,040.00)
8003	94738	3/31/2006	Hartford Insurance Coverage Litigation	84,406.28 (4,360.00)
8008	94725	3/31/2006	City of Lodi v. Envision Law Group	8,556.68
	6143	2/28/2006	Peter Krasnoff, Expert	3,887.50
	12984	4/2/2006	Keith O'Brien, Hydrogeologist	7,102.34
				<u>\$141,583.88</u>

## Kronick Moskovitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount	100351.7323
11233.001	224621	03/25/06	General advice	153.50	153.50
11233.026	224621	03/25/06	Lodi First v. City of Lodi	1,005.16	1,005.16
11233.027	224621	03/25/06	Citizens for Open Govt.v.Col	362.45	362.45
11233.029	224621	03/25/06	AT&T v. City of Lodi	1,057.00	1,057.00
				<u>2,578.11</u>	<u>2,578.11</u>

**FISCAL IMPACT:** Expenses in the amount of \$2,578.11 will be paid out of the General Fund and billed to Walmart for City's defense of the Lodi First and Citizens for Open Government litigation. The remaining expenses will be paid out of the Water Fund.

**FUNDING AVAILABLE:** Water Fund \$141,583.88  
General Fund \$ 2,578.11

Approved: Ruby R. Paiste  
Ruby Paiste, Interim Finance Director

Approved: Stephen Schwabauer  
Stephen Schwabauer, City Attorney

APPROVED: Blair King  
Blair King, City Manager

**PCE/TCE Litigation**  
**6-Month Budget Recap (January - June 2006)**

**MARCH**

<b>Matter</b>	<b>6-Month Budget*</b>	<b>Opening Balance for 6-Month Budget</b>	<b>One Month Amount</b>	<b>Amount Billed March**</b>	<b>Variance from Monthly Amount</b>	<b>Remainder 6-Month Budget</b>	<b>Cumulative Billed In 6-Mo. Budget Period</b>
M&P, Related Cases includes matters 8001, 8002, 8007	\$ 667,500	\$ 634,672	\$ 111,250	\$43,031	-\$68,219	\$ 591,641	\$75,859
Hartford Action 8003	\$ 870,000	\$ 619,442	\$ 145,000	\$84,406	-\$60,594	\$ 535,035	\$334,965
Envision Claims 8008	\$ 425,000	\$ 1,764,250	\$ 70,833	\$8,557	-\$62,277	\$ 1,755,693	\$35,804
<b>Totals</b>	<b>\$ 1,962,500</b>	<b>\$3,018,363</b>	<b>\$ 327,083</b>	<b>\$135,994</b>	<b>-\$191,089</b>	<b>\$2,882,369</b>	<b>\$446,628</b>

\*Approved by City Council at the midpoint of \$1,962,500 million.

\*\*Invoices dated April 25, 2006 for period March 1 through March 31, 2006.

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